



# Senate

General Assembly

February Session, 2006

**File No. 149**

Senate Bill No. 154

*Senate, March 28, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
INTERAGENCY TASK FORCE ON TRAFFICKING IN PERSONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2006*) (a) A person is guilty of  
2       trafficking in persons when such person commits coercion as provided  
3       in section 53a-192 of the general statutes and the other person is  
4       compelled or induced to (1) engage in conduct that constitutes a  
5       violation of section 53a-82 of the general statutes, or (2) work.

6       (b) Trafficking in persons is a class B felony.

7       Sec. 2. Subsection (a) of section 53-394 of the general statutes is  
8       repealed and the following is substituted in lieu thereof (*Effective*  
9       *October 1, 2006*):

10       (a) "Racketeering activity" means to commit, to attempt to commit,  
11       to conspire to commit, or to intentionally aid, solicit, coerce or  
12       intimidate another person to commit any crime which, at the time of its

13 commission, was a felony chargeable by indictment or information  
14 under the following provisions of the general statutes then applicable:  
15 (1) Sections 53-278a to 53-278f, inclusive, relating to gambling activity;  
16 (2) chapter 949a, relating to extortionate credit transactions; (3) chapter  
17 952, part IV, relating to homicide; (4) chapter 952, part V, relating to  
18 assault, except assault with a motor vehicle as defined in section 53a-  
19 60d; (5) sections 53a-85 to 53a-88, inclusive, relating to prostitution; (6)  
20 chapter 952, part VII, relating to kidnapping; (7) chapter 952, part VIII,  
21 relating to burglary, arson and related offenses; (8) chapter 952, part  
22 IX, relating to larceny, robbery and related offenses; (9) chapter 952,  
23 part X, relating to forgery and related offenses; (10) chapter 952, part  
24 XI, relating to bribery and related offenses; (11) chapter 952, part XX,  
25 relating to obscenity and related offenses; (12) chapter 952, part XIX,  
26 relating to coercion; (13) sections 53-202, 53-206, 53a-211 and 53a-212,  
27 relating to weapons and firearms; (14) section 53-80a, relating to the  
28 manufacture of bombs; (15) sections 36b-2 to 36b-33, inclusive, as  
29 amended, relating to securities; (16) sections 21a-277, 21a-278, as  
30 amended, and 21a-279, relating to drugs; (17) section 22a-131a, relating  
31 to hazardous waste; [or] (18) chapter 952, part XXIII, relating to money  
32 laundering; or (19) section 1 of this act, relating to trafficking in  
33 persons.

34 Sec. 3. (NEW) (*Effective October 1, 2006*) (a) No employer shall  
35 employ any person knowing that such person is being coerced by  
36 another person to engage in such employment in violation of section 1  
37 of this act.

38 (b) The Attorney General, upon the request of the Labor  
39 Commissioner, may bring a civil action in the Superior Court to  
40 recover a civil penalty of not more than ten thousand dollars for each  
41 violation of subsection (a) of this section and such injunctive or other  
42 equitable relief as the court may, in its discretion, order.

43 Sec. 4. (NEW) (*Effective October 1, 2006*) Any person aggrieved by a  
44 violation of section 1 of this act may bring a civil action in the superior  
45 court for the judicial district where such person resides or the judicial

46 district of Hartford against the person or persons who committed such  
47 violation to recover actual damages, statutory damages of not more  
48 than one thousand dollars for each day such person was coerced by  
49 another person in violation of section 1 of this act and a reasonable  
50 attorney's fee.

51 Sec. 5. Section 53a-82 of the general statutes is repealed and the  
52 following is substituted in lieu thereof (*Effective October 1, 2006*):

53 (a) A person is guilty of prostitution when such person engages or  
54 agrees or offers to engage in sexual conduct with another person in  
55 return for a fee.

56 (b) In any prosecution for an offense under this section, it shall be an  
57 affirmative defense that the actor was coerced into committing such  
58 offense by another person in violation of section 1 of this act.

59 [(b)] (c) Prostitution is a class A misdemeanor.

60 Sec. 6. (NEW) (*Effective October 1, 2006*) The Office of Victim Services  
61 shall work with community providers to provide services to victims of  
62 the offense of trafficking in persons, as provided in section 1 of this act,  
63 who require emergency, high security protection.

64 Sec. 7. (NEW) (*Effective October 1, 2006*) There is established a victim  
65 security account, which shall be a separate nonlapsing account within  
66 the Judicial Department. Such account shall be administered by the  
67 Office of Victim Services for the purpose of providing services for  
68 victims of the offense of trafficking in persons, as provided in section 1  
69 of this act, who require emergency, high security protection.

70 Sec. 8. (NEW) (*Effective October 1, 2006*) The Permanent Commission  
71 on the Status of Women, in conjunction with the Police Officer  
72 Standards and Training Council, shall develop a training program on  
73 trafficking in persons and make such training program available, upon  
74 request, to the Division of State Police within the Department of Public  
75 Safety, local police departments and community organizations.

76       Sec. 9. (*Effective October 1, 2006*) (a) The sum of twenty-five thousand  
 77 dollars is appropriated to the Permanent Commission on the Status of  
 78 Women, from the General Fund, for the fiscal year ending June 30,  
 79 2007, for purposes of section 8 of this act.

80       (b) The sum of fifty thousand dollars is appropriated to the Police  
 81 Officer Standards and Training Council, from the General Fund, for  
 82 the fiscal year ending June 30, 2007, for purposes of section 8 of this  
 83 act.

84       (c) The sum of one hundred thousand dollars is appropriated to the  
 85 Judicial Department, from the General Fund, for the fiscal year ending  
 86 June 30, 2007, for deposit in the victim security account established  
 87 under section 7 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	53-394(a)
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	53a-82
Sec. 6	<i>October 1, 2006</i>	New section
Sec. 7	<i>October 1, 2006</i>	New section
Sec. 8	<i>October 1, 2006</i>	New section
Sec. 9	<i>October 1, 2006</i>	New section

**JUD**       *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Dept.	GF - Cost	100,000	None
Women, Perm. Com. on the Status of	GF - Cost	25,000	None
Police Officer Std. & Training Council	GF - Cost	50,000	None
Attorney General; Judicial Dept.	GF - Revenue Gain	Potential	Potential
Judicial Department (Probation); Correction, Dept.	GF - Potential Cost	Significant	Significant

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill establishes the crime of trafficking in persons, which is committed when through coercion a person compels another one to engage in prostitution or work, and makes it punishable by a fine of up to \$20,000 and/or up to twenty years' imprisonment. The bill also provides that trafficking in persons constitutes racketeering activity, as defined in CGS Section 53-394(a). To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties under state law, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

The bill provides that trafficking may constitute an affirmative

defense<sup>1</sup> for any person accused of prostitution under CGS Section 53a-82. Each year there are approximately 500 cases under this section with a conviction rate of roughly sixty per cent. Since relatively few criminal cases are affected by this provision (less than one per cent of total class "A" misdemeanor cases) it is anticipated that any workload increase associated with the potential use of the affirmative defense could be accommodated by the Division of Criminal Justice, Public Defender Services Commission and Judicial Department without requiring additional resources. The extent to which this provision would reveal instances of trafficking is unknown.

The bill prohibits employers from knowingly employing any person who is being coerced by another person to engage in employment in violation of the bill. It authorizes the Office of the Attorney General, upon the request of the Labor Commissioner, to bring a civil action in superior court to recover a civil penalty from any employer who knowingly employs a victim of trafficking. Any such actions could be accommodated within budgeted resources.

The bill requires the Judicial Department's Office of Victim Services to work with community providers to provide services to victims of the offense of trafficking in persons who require emergency, high security protection. The bill appropriates \$100,000 for this purpose.

The bill appropriates \$25,000 to the Permanent Commission on the Status of Women for FY 07, to develop a training program for state and local police departments, and community organizations on the trafficking of persons.

The bill requires that the Police Officer Standards and Training Council (POST) develop and provide training, to assist community organizations and state and local police officers, identify trafficking in persons. The bill appropriates \$50,000 for this purpose.

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<sup>1</sup> An affirmative defense may excuse or justify a defendant's behavior (eg, self-defense is a common affirmative defense to a charge of battery or homicide).

***The Out Years***

The bill appropriates funds which are anticipated to be sufficient to cover any costs incurred pursuant to the bill during the next two fiscal years. However, since the bill's requirements for state agencies to provide certain services are indefinite, future costs may be incurred. The potential cost of incarceration would be subject to inflation in the future but any revenue gains from criminal or civil fines would remain stable as they are fixed by statute.

**OLR BILL ANALYSIS****SB 154*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
INTERAGENCY TASK FORCE ON TRAFFICKING IN PERSONS.*****SUMMARY:**

This bill creates the felony crime of trafficking in persons. It applies to those who coerce others to engage in prostitution or work. It authorizes to state to charge traffickers with racketeering and to seize property related to the crime when there is a pattern of such activity.

It allows people charged with prostitution to avoid conviction by proving that they were acting because of a trafficker's coercion. The bill also allows (1) the attorney general to sue employers who knowingly employ victims and (2) victims to sue traffickers for money damages.

The bill appropriates \$100,000 for high security victim protective services and \$75,000 for training programs.

EFFECTIVE DATE: October 1, 2006

**§ 1—TRAFFICKING IN PERSONS**

A person commits this crime when he coerces a victim in order to force or induce her to engage in prostitution or work. By law, coercion occurs when the actor makes the victim fear that if she does not comply with his demands, he or another person will:

1. commit a crime;
2. accuse someone else of committing a crime; or
3. expose a secret that could subject any person to hatred, contempt, or ridicule; or impair his credit or business reputation.



The bill makes trafficking in persons a class B felony, punishable for up to 20 years imprisonment, up to \$15,000 fine, or both.

## **§ 2—RACKETEERING**

The bill subjects a person or enterprise that engages in a pattern of trafficking to prosecution under the Corrupt Organization Racketeering Act (CORA). It also applies to attempts, conspiracies, and aiding and abetting in the commission of the crime.

A pattern is established under CORA by at least two incidents within a five-year period that have the same or similar purposes, results, participants, victims, or methods of commission or are otherwise inter-related by distinguishing characteristics, including a nexus to the same enterprise.

### ***CORA Penalties***

CORA violators are subject to imprisonment for at least one and up to 20 years, a fine of up to \$25,000, or both. They are also subject to the fines and penalties associated with the underlying crimes themselves. They forfeit to the state all property acquired, maintained, or used in racketeering, including profits and security interests in property or contract rights of any kind affording a source of influence over the racketeering activities.

## **CIVIL LAWSUITS**

### **§ 3—Against Employers**

The bill authorizes the attorney general to file suit, at the labor commissioner's request, against an employer who employs workers he knows are being coerced to work for him. Violators may be fined up to \$10,000 for each violation. The court may also order other appropriate relief.

### **§ 4—By Victims**

The bill allows victims to file civil actions against traffickers to recover either (1) their actual damages or (2) statutory damages of up to \$1,000 for each day she was coerced to work or engage in

prostitution. In either case, the trafficker must pay the victim's reasonable attorneys fees.

Victims may file lawsuits either in Hartford Superior Court or in the Superior Court for the district in which they live.

### **§§ 6 & 7—VICTIM SECURITY SERVICES**

The bill establishes a separate, nonlapsing victim security services account within the Judicial Department and allocates \$100,000 for FY 2006-07. The department's Office of Victim Services administers the fund and must work with community providers to offer services to trafficking victims who need emergency, high security protection.

### **§§ 8 & 9—TRAINING PROGRAM**

The bill directs the Permanent Commission on the Status of Women (PCSW), in conjunction with the Police Officer Standards and Training Council (POTSC), to develop a training program on trafficking in persons. Training must be provided to state and local police departments and community organizations upon request.

The bill allocates \$25,000 and \$50,000 for FY 2006-07 to PCSW and POSTC, respectively to implement the training program.

## **BACKGROUND**

### ***Related Bill***

sSB 153 (File 7) expands the topics the Interagency Task Force on Trafficking in Persons is authorized to study and gives it until January 1, 2007, rather than January 1, 2006, to file its report and recommendations with the legislature.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 38      Nay 0      (03/13/2006)